

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 01, 2021

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DESIREE J.,

v.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,¹

Defendant.

No. 2:20-CV-0346-JTR

ORDER GRANTING STIPULATED
MOTION FOR REMAND
PURSUANT TO SENTENCE FOUR
OF 42 U.S.C. § 405(g)

BEFORE THE COURT is the parties' stipulated motion to remand the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 26. Attorney Chad L. Hatfield represents Plaintiff; Special Assistant United States Attorney Justin L. Martin represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 6. After considering the file and proposed order, **IT IS ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 26**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative action pursuant to sentence four of 42 U.S.C. § 405(g).

¹Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi is substituted for Andrew M. Saul as the defendant in this suit. No further action need be taken to continue this suit. *See* 42 U.S.C. § 405(g).

ORDER GRANTING STIPULATED MOTION FOR REMAND - 1

1 On remand, the Appeals Council will affirm the Administrative Law Judge's
2 conclusion that Plaintiff became disabled beginning December 30, 2019, and shall
3 instruct the Administrative Law Judge to do the following for the period prior to
4 December 30, 2019: (1) reevaluate Plaintiff's fibromyalgia consistent with the
5 requirements of Social Security Ruling 12-2p; (2) reevaluate whether the severity
6 of Plaintiff's impairments met or medically equaled the criteria of a listed
7 impairment; (3) reevaluate the opinions from treating, examining, and "other"
8 medical sources; (4) reassess Plaintiff's residual functional capacity; (5) continue
9 with the remaining steps of the sequential evaluation process, to include obtaining
10 supplemental vocational expert evidence to clarify the effect of the assessed
11 limitations on Plaintiff's ability to perform other work in the national economy;
12 and (6) offer Plaintiff the opportunity for a *de novo* hearing, take any further action
13 needed to complete the administrative record, and issue a new decision.

14 2. **Judgment shall be entered for PLAINTIFF.**

15 3. Plaintiff's Motion for Summary Judgment, **ECF No. 21**, is
16 **STRICKEN AS MOOT.**

17 4. An application for attorney fees and costs may be filed by separate
18 motion.

19 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
20 Order, forward copies to counsel, and **CLOSE THE FILE.**

21 DATED September 1, 2021.



A handwritten signature in black ink, appearing to be "M", is written over a horizontal line.

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE